

01 FEB 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Anthony G. Fussner
Harness Dickey & Pierce
7700 Bonhomme
Suite 400
St Louis MO 63105

| | | |
|--|---|--------------|
| In re Application of | : | |
| RICHARDS et al. | : | NOTIFICATION |
| Application No.: 10/559,589 | : | |
| PCT No.: PCT/GB2004/002352 | : | |
| Int. Filing Date: 01 June 2004 | : | |
| Priority Date: 05 June 2003 | : | |
| Attorney's Docket No.: 1600-000005/US/NP | : | |
| For: GENERATOR | : | |

This notification is in response to applicants' submission filed 10 October 2006.

BACKGROUND

On 01 June 2004, applicants filed international application PCT/GB2004/002352, which designated the US and claimed a priority date of 05 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 December 2005.

On 02 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and an assertion of small entity status.

On 15 March 2006, the United States Patent and Trademark Office (USPTO) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable time period for reply.

On 09 May 2006, applicants filed a submission, which was accompanied by, *inter alia*, a declaration signed by two of the three inventors and signed by Margaret Sheridan as "legal representative" of deceased inventor Bernard John Sheridan. This declaration also lists the residence, citizenship and mailing address of Margaret Sheridan (on page 6 of declaration) and Bernard John Sheridan (on page 4 of declaration). The indication that joint inventor Bernard

John Sheridan is deceased was treated as a request for status under 37 CFR 1.42.

On 05 September 2006, a decision was mailed accepting applicants' request for status under 37 CFR 1.42. The decision also indicated that there is a difference in names in the third-named inventor between the published international application (Anthony WITHAM) and the declaration of the inventors (Anthony WHITHAM). A proper response was required.

On 10 October 2006, applicants filed the instant submission which includes an explanation of the difference in names.

DISCUSSION

Applicants' explanation of the difference in the spelling of Anthony Whitham's name is accepted and noted for the record.

The declaration filed 09 May 2006 is now in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (703) 308-2066

Facsimile: (703) 308-6459